

of such taxes levied as aforesaid, shall be paid on or before the 31st day of January, aforesaid, and the 2nd one-fourth of such taxes shall not be paid on or before the 30th day of April, next thereafter, then all of the said taxes remaining unpaid become delinquent on said date. If the first two-fourth of such taxes levied as aforesaid shall have been paid on or before the 30th day of April, aforesaid, and the third one-fourth of said taxes shall not be paid before July 31st next thereafter, then all of the said taxes remaining unpaid at said date shall become delinquent on said date. If the said three-fourths of said taxes shall have been paid on or before July 31st, aforesaid, and the fourth one-fourth of said taxes shall not be paid on or before October 31st next thereafter, then said taxes remaining unpaid shall become delinquent on said date.

Committee Room,  
Austin, Texas, Jan. 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 30, A bill to be entitled "An Act ratifying and validating the creation of Common School District No. 24 of Duval County, Texas; ratifying and validating the order made and entered by the county board of trustees of Duval County, Texas on May 16, 1930, re-establishing and re-defining such Common School district, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

#### NINTH DAY.

Senate Chamber,  
Austin, Texas,  
January 23, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Greer.	Small.
Martin.	Woodul.
Pollard.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 85, A bill to be entitled "An Act to amend Section, Chapter 18, Acts of the Fifth Called Session of the 41st Legislature, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 86, A bill to be entitled "An Act creating the 118th Judicial District to be composed of the counties of Starr, Jim Wells, Duval and Brooks, prescribing the jurisdiction of said court and exceptions thereto, providing for a judge and district attorney of said court, and amending Section 2, Chapter 45, Acts of the Regular Session of the 79th Legislature, and amending Section 11 of Chapter 55, Acts of the Regular Session of the 38th Legislature, and prescribing the effective date hereof, repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senators Neal and Woodruff:

S. B. No. 87, A bill to be entitled "An Act to amend Article 2624, Title 49, Chapter 5, of the Revised Civil Statutes of 1925, changing the name of the College of Industrial Arts to 'Texas College for Women' and repealing all laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Woodruff:

S. B. No. 88, A bill to be entitled "An Act providing for the preservation of the Butterfield State Road or Southern Overland Mail Route running through the State of Texas from Colbert's Ferry on the Red River to El Paso in West Texas, prescribing that said road shall always be known as the Butterfield Trail, requiring the Highway Commission to preserve and maintain a highway along or near the route described in this Act, with side roads to historic points; describing the route of said highway and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

#### Senators Excused.

The following Senators were excused for the day on account of important business:

Senators Woodul and Greer, on motion of Senator Patton.

Senator Martin, on motion of Senator Hopkins.

Senator Pollard, on motion of Senator Beck.

Senator Small, on motion of Senator Russek.

#### Simple Resolution No. 18.

Senator Beck sent up the following resolution:

Resolved, That the Contingent Expense Committee of the Senate of Texas be authorized to pass on, and authorize, payment out of the contingent expense fund the cost of repairs and furnishings to the Senate Chamber and the Lieutenant Governor's room, as approved by the Board of Control.

BECK.

Read and adopted.

#### Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger

from the Governor with the following messages:

Executive Office,

January 23, 1931.

To the Forty-second Legislature of the State of Texas:

Upon request of Senator Ben G. Oneal and numerous other citizens of Wichita County I am submitting herewith the attached Committee Substitute Senate Bill No. 19 by Senator Oneal for your consideration as an emergency matter.

I am informed by the citizens who would be affected by the enactment of this bill that the local situation now existing in the water improvement district is of such a nature as to create the necessity for immediate legislative action, and upon their statements and their requests I submit this bill to you for such consideration and action as you deem proper.

Respectfully submitted,

R. S. STERLING,

Governor.

Executive Office,

January 23, 1931.

To the Texas State Senate:

This is to advise that I have appointed Mr. E. C. Tobey of Brazoria County, Freeport, Texas, as a member of the State Prison Board to succeed Mr. Fred Horton of Greenville, subject to your confirmation.

Respectfully submitted,

R. S. STERLING,

Governor.

Read and referred to Committee on Governor's Nominations.

Executive Office,

January 23, 1931.

To the State Senate:

This is to advise that, subject to your confirmation, I have appointed Mr. Joe S. Thompson of McLennan County, Waco, Texas, as State Tax Commissioner.

Respectfully submitted,

R. S. STERLING,

Governor.

Read and referred to Committee on Governor's Nominations.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 23, 1931.

Hon. Edgar Witt, President of the  
Senate,

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolutions:

H. C. R. No. 5, With reference to  
placing a certain bale of cotton in  
the rotunda of the State Capitol for  
inspection.

H. C. R. No. 11, Granting a leave  
of absence from the State to Hon. Jo-  
seph Jones, Judge of the 63rd Ju-  
dicial District.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

### Simple Resolution No. 19.

Senator Woodward sent up the fol-  
lowing resolution:

WHEREAS, At the former session  
of the Legislature the Senate author-  
ized the purchase of Vernon's Ann.  
Texas Statutes for use by the Com-  
mittee on Civil and Criminal Juris-  
prudence and other standing commit-  
tees of the Senate; and

WHEREAS, Volume 9 has been  
misplaced and after diligent search  
the same cannot be located and it is  
necessary to have said volume to  
complete said set; and.

WHEREAS, It is advisable to also  
supplement said set with the Anno-  
tated Constitution and annual sup-  
plements to said Statutes and said  
Constitution.

BE IT THEREFORE RESOLVED,  
That authority is hereby given to the  
Chairman of the Civil Jurisprudence  
Committee to purchase the same and  
pay for the same out of the contin-  
gent fund of the Senate upon war-  
rants properly drawn.

WOODWARD.

Read and adopted.

### Simple Resolution No. 3.

Senator Woodward called up from  
the table S. R. No. 3, Relating to  
Senate rules.

Senator Stevenson sent up the fol-  
lowing amendment:

Amend by inserting a new rule to  
be known as 2A.

After a bill or resolution has been  
referred to a committee, the commit-  
tee within three days after it has  
been so referred shall give it consid-

eration and if one-third of the mem-  
bers of the committee who are pres-  
ent, a majority of the committee be-  
ing present, shall decide that the  
bill or resolution should be printed,  
that shall be done and a date fixed  
for hearing on the bill or resolution  
not earlier than one week after the  
printed copy has been laid on the  
desk of the members. A sufficient  
number of the printed copies shall be  
made to supply citizens interested  
with copies, the number to be decided  
by the committee in each instance.

After a bill or resolution has been  
printed and a hearing given as here-  
in provided, it shall be placed on the  
calendar for consideration in accord-  
ance with the rules, without any pre-  
liminary vote by the Senate. This  
rule shall apply during the first sixty  
days of the session.

STEVENSON.

The amendment was read.

Senator Stevenson withdrew the  
amendment.

Senator Cousins sent up the fol-  
lowing amendment:

Amend S. R. No. 3 by changing  
the word sixty to thirty in line two  
under Rule one.

WILLIAMSON,  
COUSINS.

The amendment was read.

Senator Berkeley moved to post-  
pone further consideration of the  
resolution and the amendment until  
the Senate could go into a caucus and  
work out some satisfactory solution.

Senator DeBerry moved to recess  
until 2 o'clock p. m. The motion  
was lost.

Senator Woodward moved to table  
the motion by Senator Berkeley. The  
motion prevailed.

The amendment was lost by the  
following vote:

Yeas—7.

Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Williamson.
Hopkins.	

Nays—16.

Berkeley.	Hornsby.
Gainer.	Loy.
Hardin.	Moore.
Holbrook.	Neal.

Oneal.	Rawlings.
Parr.	Stevenson.
Parrish.	Woodruff.
Patton.	Woodward.

Absent.

Beck.	Russek.
-------	---------

Absent—Excused.

Greer.	Small.
Martin.	Thomason.
Pollard.	Woodul.

Senator Williamson sent up the following amendment:

Amend the resolution by striking out the word sixty in rule two and insert in lieu thereof the word thirty.

WILLIAMSON.

Read and lost by the following vote:

Yeas—7.

Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Williamson.
Hopkins.	

Nays—16.

Berkeley.	Oneal.
Gainer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Rawlings.
Loy.	Stevenson.
Moore.	Woodruff.
Neal.	Woodward.

Absent.

Beck.	Russek.
-------	---------

Greer.	Small.
Martin.	Thomason.
Pollard.	Woodul.

Senator Woodward moved to set the resolution as special order for Monday morning immediately after the morning call. The motion prevailed.

Reason for Vote.

I voted for the amendments offered by the Senator from Jefferson and the Senator from Bexar because in my opinion such amendments if adopted would more nearly carry out the intent of the Constitution and because that is the way I explained the proposed amendments to the people that

I had occasion to address on this subject.

I am perfectly willing to be governed by any rules the Senate of Texas adopts, but it was my idea that the sessions of the Senate would be divided into three divisions; the first thirty days for the introduction of measures, etc., and the next thirty days in public hearings and the last sixty days in debating bills that had been reported favorably, provided that the Governor might send up a bill at any time and such bill would not be governed by this rule and provided that the Senate might if it saw fit by a 4/5 vote suspend this provision of the constitution and permit measures to be introduced at any time.

I do not think this 60 day rule will effect the constitutionality of any measures and I am willing to concede that the Senate has the legal right to adopt the sixty day rule, but so far as I am personally concerned I felt it my duty to vote for the adoption of rules exactly like I explained the proposed amendments to the people.

PURL.

## Simple Resolution No. 21.

Senator Moore sent up the following resolution:

WHEREAS, Will Rogers, internationally known humorist, will deliver a charity lecture at a local theatre Monday, January 26th, at 12:15 p. m., and

WHEREAS, We recommend the wholesome purposes which bring this noted character to Texas and to Austin, therefore

BE IT RESOLVED by the Senate of Texas that we attend this lecture in a body and occupy seats to be set aside for that purpose.

MOORE,	HORNSBY,
BERKELEY,	WILLIAMSON.
PARRISH,	

Read and adopted.

## Senate Bill No. 44 Re-referred.

On motion of Senator Oneal, S. B. No. 44 was withdrawn from the Committee on Mining, Irrigation and Drainage and re-referred to the Committee on State Affairs.

## H. C. R. No. 8.

The Chair laid before the Senate: H. C. R. No. 8. Relating to an in-

vestigation of certain charges against Judge L. J. Brucks.

Read and adopted.

**Senate Bill No. 71 Re-referred.**

On motion of Senator Parrish, S. B. No. 71 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Judicial Districts.

**Permission for Committee to Act**

Senator Parrish moved that the constitutional rule be suspended and the Committee on Public Lands and Land Office be permitted to consider and report on S. B. No. 43.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Greer.	Small.
Martin.	Woodul.
Pollard.	

**Adjournment.**

On motion of Senator Woodward, the Senate, at 12:40 o'clock p. m., adjourned until Monday morning at 10 o'clock.

**APPENDIX.**

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Jan. 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared, and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10 carefully examined and compared, and find the same correctly engrossed.

HARDIN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Jan. 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 75, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 76, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1923, 1925, 1927, 1928, 1929, and 1930, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Jan. 23, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 13, A bill to be entitled "An Act amending Article 3891 Revised Civil Statutes of Texas of 1925

as amended by Chapter 20 of the Acts of the Fourth Called Session of the 41st Legislature so as to provide that in all counties having a population of 325,000 or more, and less than 345,000, according to the Federal census of 1930, all county officers and justices of the peace can retain all excess fees until the same, together with the maximum fees allowed by Articles 3883, 3883-A, 3886 shall amount to the sum of \$10,000.00 per annum, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas Jan. 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to provide adequate compensation for first assistant county attorneys in counties having a population of from 75,000 to 80,000 which have voted road and bridge bonds amounting to six million dollars or more and flood protection bonds amounting to one million dollars or more."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An Act fixing the compensation of district attorneys in each judicial District in this State composed of only one county in which county there are two or more district courts with concurrent criminal jurisdiction, and which district courts have exclusive jurisdiction of all prosecutions for failing or refusing to pay over money belonging to the State under Chapter Two, of Title Four, of the Penal Code of 1925, and which district courts further have concurrent

jurisdiction with all district courts in Texas in prosecutions involving the forging and uttering, using or passing of forged instruments in writing which concern or affect the title to land in the State, under Chapter Two of Title Four of the Code of Criminal Procedure of 1925; providing how said compensation shall be paid; providing for an assistant district attorney, a special investigator, and a stenographer in each such district; fixing the compensation of said assistant, investigator, and stenographer and providing the method of payment of such compensation; providing for an expense account to be used by the district attorney in preparation and conduct of criminal affairs in each such district; repealing Articles 322a and 326k-2 of the Civil Statutes and all other laws and parts of laws, in so far, and only in so far, as they are in conflict with the provisions of this Act; providing that should any section of this Act be held to be invalid, unconstitutional or inoperative, no other section or part of section thereof shall be held to be affected thereby, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 43, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land situated in Culberson County, Texas, forfeited and re-appraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which application or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed such acceptance and award to be subject to existing rights of any third party who may have filed oil

and gas applications thereon; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass, but be not printed.

PARRISH, Chairman.

Committee Room.

Austin, Texas, Jan. 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to amend Article 7674, 7677 and 7684, Chapter 2, Title 128 of the Revised Civil Statutes, 1925, as follows: Amend Article 7674 by providing that by the payment of one-half of the taxes levied for 1931 and each calendar year thereafter on or before the 31st day of January next thereafter the other one-half of such taxes shall not become delinquent until the 31st day of July next following; Amend Article 7677 by providing that delinquent tax rolls shall be made up on the 31st day of January and 31st day of July of each year; and amend Article 7684 by providing that if any person shall fail or refuse to pay one-half of the taxes imposed upon him for the calendar year 1931 and each calendar year thereafter on or before the 31st day of January next thereafter, the entire taxes for such calendar year shall become delinquent on such date, providing for penalty of ten per cent on the entire amount of such taxes which shall accrue upon such delinquent taxes, and further providing that if the first half of the taxes levied as aforesaid shall be paid on or before the 31st day of January next after same shall become due, the second half shall become delinquent on the 31st day of July next thereafter, and a like ten per cent penalty added, and that all delinquent taxes, in addition to the penalty aforesaid, shall bear interest at the rate of six per cent per annum from and after August 1st thereafter, dispensing with notices of such taxes to taxpayers, repealing all laws in conflict with the foregoing articles, as amended, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendations that it do not pass, but that Committee Substitute:

### A BILL

#### To Be Entitled

An Act to amend Articles 7674, 7677 and 7684, Chapter 2, Title 128, of the Revised Civil Statutes, 1925, as follows: Amend Article 7674 so as to require that all taxes provided for by this Act shall become due and payable on the first day of November for each year, and shall be paid on or before 31st day of January thereafter; provided that in Water Improvement Districts lying wholly within or partly within a county which by the 1930 United States census contains not less than 74,000 population and not more than 75,000 population, by the payment of one-half of the taxes levied for 1930, and each calendar year thereafter on or before the 31st day of January next thereafter, the other one-half of such taxes shall not become delinquent until the 31st day of July next following; amend Article 7677 by providing that it is the duty of directors of such districts to cause to be prepared by the Tax Collector, or at the expense of such district, a list of lands upon which the taxes remain unpaid on the 31st day of January, of each year, which shall be known as delinquent tax rolls, and which delinquent tax roll shall be delivered to the Secretary of the District, to be kept by him as a part of his records; which delinquent record shall carry a sufficient description to identify the land shown to be delinquent. Such description may be made by reference to lot or block number; provided that in any such Water Improvement District lying wholly within or partly within any county which by the 1930 United States census contains not less than 74,000 population and not more than 75,000 population, the delinquent tax rolls shall be made up on the 31st day of January and 31st day of July of each year; amend Article 7684, providing for ten per cent penalty on the entire amount of taxes of any person who fails to pay his taxes until after the 31st day of January next succeeding the return of

the assessment roll for said district; and providing that such delinquent taxes shall bear interest from August 1st after due date at the rate of six per cent per annum; and providing that the Collector by virtue of his tax rolls, shall seize and levy upon and sell so much personal property as shall be sufficient to make the amount of taxes, together with the penalties and the interest at six per cent per annum, and all costs of suit accruing thereon; and providing if no personal property be found for seizure, and sale, the Collector shall make up and file with the Secretary of the District the delinquent tax roll hereinbefore provided, for all taxes, penalties and interest therein, and providing that in any Water Improvement District lying wholly within or partly within a county which by the 1930 United States census contains not less than 74,000 population and not more than 75,000 population, if any person shall fail or refuse to pay one-half of the taxes imposed upon him for

the calendar year 1930, and each calendar year thereafter on or before the 31st day of January next thereafter, the entire taxes for such calendar year shall become delinquent on such date, providing for penalty of ten per cent on the entire amount of such taxes which shall accrue upon such delinquent taxes; and further providing that if the first half of the taxes levied as aforesaid shall be paid on or before the 31st day of January next after same shall become due, the second half shall become delinquent on the 31st day of July next thereafter, and a like ten per cent penalty added, and that all delinquent taxes, in addition to the penalty aforesaid, shall bear interest at the rate of six per cent per annum from and after August 1st thereafter, dispensing with notices of such taxes to taxpayers, repealing all laws in conflict with the foregoing articles, as amended, and declaring an emergency.

do pass in lieu thereof, and be printed.

MOORE. Chairman.



**In Memory**  
**of**  
**Honorable B. B. Sturgeon**

---

**SIMPLE RESOLUTION NO. 20.**

Senator DeBerry sent up the following resolution:

WHEREAS, Senator B. B. Sturgeon of Paris, Texas, a former member of the Senate of Texas, departed this life on the 22nd day of January, A. D. 1931, and

WHEREAS, Senator Sturgeon had served his State with unusual distinction and ability as a member of the State Senate during the 31st and 32nd Legislatures, having been a leader in those measures designed to protect and preserve the interests and welfare of the people, and had the entire trust, confidence and admiration of all his colleagues; therefore be it

RESOLVED, That the Senate of Texas deeply regrets the untimely death of Senator Sturgeon and extends its unbounded sympathy to his family in their bereavement; be it further

RESOLVED, That a copy of this resolution be forwarded to his family by the Secretary of the Senate, and that a page of the Senate Journal be set aside in honor of his memory.

DeBERRY.

PARRISH.

Read and unanimously adopted by a rising vote.